

REMARKS/ARGUMENTS

Claims 1 and 10-15 are amended. Claims 17-22 are new. Claim 2 remains pending and unchanged. Claim 16 is canceled.

Claim 1 is amended with support in the drawing for strap attachment loops on the sides of shoe bases, and through which shoe straps are secured. Main claims 10 and 20 find support in the drawing for spring-biased locking arms, in the description of Fig. 1D at page 6 for a strap-securing closed position, and with respect to claim 20, in Fig. 1B and its description at page 6 for an open position. Subject matter is added to claim 11 consistent with deletion of subject matter from claim 10. Claim 12 is amended with support in the 4th and 5th paragraphs on page 10 (also see previously presented claim 2), but has been broadened by deletion of subject matter. Subject matter in new claim 17 is consistent with the subject matter deleted from claim 12. Claims 18 and 21 find support in the drawing, and in the paragraph relating to Fig. 1D at page 6 for extend through. Claims 19 and 22 find support in the lower Figure of Fig. 3B.

In Paragraph #2, main claim 1 is rejected under 35 USC 103(a) over Stritter and Thatcher in view of Strothier. However, NONE of this prior art discloses the combination of the claimed attachment structure detachably secured through a loop, or discloses strap attachment loops on the sides of shoe bases, as required by amended claim 1. The closest prior art relied upon in the Paragraph #2 rejection, is Strothier, which does NOT relate to shoes, but instead to a stocking and trouser protector. Moreover, Strothier's safety pin 29 is used to detachably secure a strap 27 TO A SEAM of the body of protector 1 (Figure 6; and page 2, lines 9-18), NOT TO OR THROUGH A LOOP.

It is well established that "The Examiner ... bears the initial burden ... of presenting a prima facie case of unpatentability". Contrary to the Comments provided with the Advisory Action, the rejection of claim 1 (as previously presented or currently amended) clearly fails to meet claimed

limitations. The use of the claimed attachment structures to detachably secure shoe straps through strap attachment loops is a significant benefit of the invention. This advantageous feature allows, inter alia, repositioning of straps and exchangeable straps, with significant benefits including cost savings to the consumer.

In view of the foregoing, the rejection of claim 1 as set forth in the Paragraph #2 rejection is traversed, and MUST BE WITHDRAWN.

Main claim 10 is likewise rejected in Paragraph #2 under 35 USC 103(a), over Stritter and Thatcher in view of Strothier. Similar to amended main claim 1, amended main claim 10 sets forth the combination of exchangeable shoe straps detachably securable by the claimed attachment structures through loops of shoe bases. However, as previously stated, none of the Paragraph #2 prior art discloses the combination of the claimed attachment structure detachably secured to, or through, a loop. As previously stated, Strothier's safety pin 29 is used to detachably secure a strap 27 TO A SEAM of the body of protector 1 (Figure 6; and page 2, lines 9-18), NOT TO OR THROUGH A LOOP.

Once again, contrary to the Comments provided with the Advisory Action, the Paragraph #2 rejection of claim 10 (as previously presented or currently amended) clearly fails to meet the "burden ... of presenting a prima facie case of unpatentability". As previously stated, the use of the claimed attachment structures to detachably secure shoe straps through strap attachment loops is a significant benefit of the invention, with significant advantages including cost savings to the consumer. In view of the foregoing, the rejection of claim 10 as set forth in the Paragraph #2 rejection is traversed, and MUST BE WITHDRAWN.

Because the Paragraph #2 rejection of main claim 10 is plainly in error, it is clear that the Paragraph #2 rejection of claims 11 and 12 (dependent on main claim 10) MUST BE WITHDRAWN. Accordingly, the Paragraph #2 rejection of dependent claims 11

and 12 is traversed.

In Paragraph #3, claim 2 (dependent on claim 1) is rejected under 35 USC 103(a) as unpatentable over the three references cited in Paragraph #2, in view of Vlas. Vlas does not overcome the previously explained deficiency of the three references cited in Paragraph #2 against main claim 1. Because the Paragraph #2 rejection of main claim 1 is plainly in error, it is clear that the Paragraph #3 rejection of dependent claim 2 MUST BE WITHDRAWN. Accordingly, the Paragraph #3 rejection of dependent claim 2 is traversed.

In Paragraph #4, claims 13-14 (dependent on claim 10) are rejected under 35 USC 103(a) as unpatentable over the three references cited in Paragraph #2, in view of Berg. Berg does not overcome the previously explained deficiency of the three references cited in Paragraph #2 against main claim 10. Because the Paragraph #2 rejection of main claim 10 is plainly in error, it is clear that the Paragraph #4 rejection of dependent claims 13 and 14 MUST BE WITHDRAWN. Accordingly, the Paragraph #4 rejection of dependent claims 13 and 14 is traversed.

In Paragraph #5, claim 15 (dependent on claim 10) is rejected under 35 USC 103(a) as unpatentable over the three references cited in Paragraph #2, in view of Kelly. Kelly does not overcome the previously explained deficiency of the three references cited in Paragraph #2 against main claim 10. Because the Paragraph #2 rejection of main claim 10 is plainly in error, it is clear that the Paragraph #5 rejection of dependent claim 15 MUST BE WITHDRAWN. Accordingly, the Paragraph #5 rejection of dependent claim 15 is traversed.

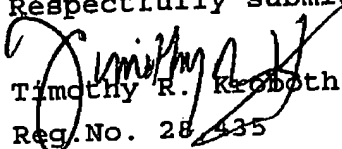
It is well established that "The Examiner ... bears the initial burden ... of presenting a prima facie case of unpatentability". Here, contrary to the Comments provided with the Advisory Action, the rejections of claims 1, 2, and 10-15 (as previously presented or currently amended) clearly fail to meet claimed limitations, and as such, are FATEALLY flawed. In view of the foregoing, reconsideration and withdrawal of the rejections

of Paragraphs 2-5 against claims 1, 2 and 10-15 is plainly in order and respectfully requested.

Further with respect to the Interview Summary and Gallaway, Gallaway does not disclose the claimed attachment structure. Furthermore, in Fig. 5 of Gallaway, a pin is located in element 12 of strap attachment member 8.

In view of the foregoing, withdrawal of all rejections is respectfully requested. Should any minor matter remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

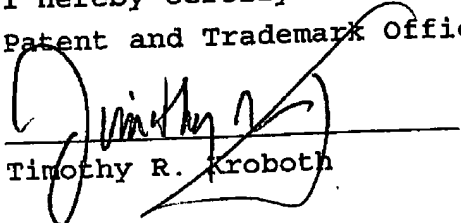

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted to the U.S. Patent and Trademark Office on September 29, 2006.


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Date: September 29, 2006